

1935

Department of *UNRSC*

OFFICE *no order*

STATION *Mealy*

*Ms* No. *441*

Dated *3-10-35*

*A 3083/10-*

Pages in the file

(SUBJECT.)

*Escheat. (Bellay) - Bellay Taluk & Town -  
Chundig in Gotsmith Sub. - Aliemati  
to Mincapet. Dropped. Lease for 11 yrs.  
approved*

Revenue DEPARTMENT.

In Reply, please quote  
number, date and short  
title.

Received \_\_\_\_\_

Registered \_\_\_\_\_

A3093

From (Name) T. Bhaskara Rao Esq. I.C.S.,

(Designation) Collector

Post Box \_\_\_\_\_, (Station) Bellary

Telegraphic Address \_\_\_\_\_

To The Secretary to the Commissioners,

Land Revenue & Settlement,

M a d r a s .

R.O.C. No. 1818/35B dated 19th July 1935

Sir, Excheat-Real Property (Bellary) Bellary Town-  
Choultry in Goldsmith street- Alienation to the  
Municipality- Orders solicited.

ENCLOSURES \_\_\_\_\_

b9 y. g. (D)

Ref. B.P.MisC. No. 323 dated 25th January 1935.

SPARE COPIES \_\_\_\_\_

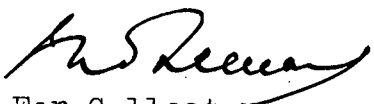
b9 y. g. (D)

In B.P. Mis.C. No. 323 dated 25th January 1935, the Board sanctioned the proposal to declare the choultry in Goldsmith street Brucepet, Bellary escheat to Government and also directed that the question of alienating it to the Municipal Council, may be considered after the property is actually taken possession of by the Government. The choultry was taken possession of from the Municipality on 5th July 1935. There are some legal and ~~political~~ <sup>practical</sup> difficulties if the building is to be alienated to the Municipality now. In the first place, the Council cannot use the building ( which is at present an open hall) for locating birth and death Registration Office and vaccination Depot without investing some money over the building and making it fit for use for the above purposes. In the second place under Board Standing Order 197 para 7 claims against Government do not abate until after the expiry of 12 years, and any body who establishes his claim within that period, can legally demand the handing over of the property to him. In such an event the Municipality cannot legally claim compensation for

for all the improvements done to the building in the absence of any statutory provision in favour of it.

2. Under Board Standing Order 197 paragraph 4 the property to which the State's claim has been asserted has ~~bee~~ to be managed until all rights of action against Government in respect of the property have abated and under para 7 of the same order it cannot be disposed of until it has been 12 years in the possession of Government. I doubt if Government can dispose of such property within that period <sup>and</sup> if the provisions of Board Standing Order regarding alienation can be applied when it is not yet established beyond doubt that there are no claimants to it except the Government, <sup>I</sup> ~~and~~ do not consider it advisable to take any steps which would involve Government in litigation at some future date by a claim from any prospective claimant for rents by handing over, at present the building to the Municipal Council rent free. I consider it safer <sup>to</sup> drop the question of alienating it to the Municipality at present and allow the present occupant to continue as the lessee of Government until all rights of action against Government abate. I have brought the matter to the notice of the Board as it is not free from doubt and as difficulties may arise in future if the Municipality takes possession of the property rent-free and spends money over the building to adapt it to their needs and requirements.

I.S. 22.7. 8/247

  
For Collector.

22785

Escheat Real property. (Bellary)  
ranny and Town building -  
in Goldsmith's Street Alienation  
to the Municipal Council

A 3093.35 11-24 - Q  
Repe. A 3093-35.10 10-8.35.

The Board observes from para 3  
of the Auditor's letter Ref. No. 6348. 32.  
B. 4. 5. 2-33 that the Municipal Council,  
Bellary had been in possession of the land  
and the building from the year 1919 and  
that nobody claimed it. As the  
Government have declared the  
property escheat and taken possession  
of it, it considers that there are no  
good grounds to anticipate any legal  
or practical difficulties in the <sup>way</sup> of  
alienating the land and the building  
to the Municipal Council under 1880  
no. 24, as such alienation does  
not confer on the Municipal  
Council any rights of ownership  
and the grant may be resumed  
at any time a claimant appears  
and establishes his claim



established, the grant will be  
liable to resumption without  
payment of compensation  
for the improvements effected

2.10.835

100  
9825  
100  
9/8/35

In reply, please quote  
number, date and short  
title.\*

Received.....

Registered.....

A4707

From (Name) T. Bhaskara Rao Esq., I.C.S.,

(Designation) Collector.

Post Box....., (STATION) Bellary.

Telegraphic Address.....



To The Secretary to the Commissioners,  
Land Revenue and Settlement, Madras.

Ref.C. 1818/35 21-10-35.  
No....., dated.....19

Sir,

ENCLOSURES.....

Escheat- Real property-(Bellary)- Bellary Taluk and  
Town- Choultry in Goldsmith Street- Alienation to the Municipal Council- Report submitted.

(1) PARE COPIES

Ph 3-54

[ Ref:- Board's Ref.No.A. 3093/35 dated 10-8-35 ]

The Commissioner Bellary Municipality reports that the Municipality does not want the Choultry for the location of the Birth and Death Office and Vaccination depot. The question of alienating it to the Municipality may therefore be dropped.

I have leased out the building for one year to one Imam Sahib who has been occupying it for the past 15 years, at a monthly rent of Rs 2. The immediate improvements to the building are estimated to cost about Rs 100 and the present lessee is willing to execute the improvements at his own cost and take the building on lease for the same rent for the remaining period of 11 years and keep it in good repair. He also agrees to hand over the building to Government in the event of any adverse claim to the Choultry being established, without claiming any compensation for the improvements effected. I request permission to lease it out to him.

*A. K. Subramanian*  
For Collector.

A.S.N./22-10/A.

*[Signature]*  
22-10-35

# DRAFT FOR APPROVAL.

|                                   | Date. | Initials.  |
|-----------------------------------|-------|------------|
| When received for fair copying .. |       |            |
| When copied ..                    |       |            |
| When examined ..                  |       | <i>MS</i>  |
| When signed ..                    |       | <i>T/H</i> |
| When despatched.                  |       |            |

SUBJECT:—

Esicheat (Bekharj) - Bellary Taluk and Town - Choultry in Goldsmith Street - Alienation to Municipality - Dropped - Lease for 11 years - Approved.

READ AGAIN *p 79 (K)* dated 19

G.O. No 1562 Ms. Aivimur dr. 7. 8. 34. Q 19

READ ALSO:—

A No. 470 From the *p 74* *Ref C: 18:18-35* *Q to Bother*  
*At Galt*

" " " " " " 19

" " " " " " 19

Order Ms. Resolution ~~Ref.~~ No. 4141, dated 31. 10. 1935.

In the circumstances reported the question of alienating the Choultry to the municipality will be dropped.

21. The Board approves the Collector's proposal to lease out the building <sup>the remaining period of</sup> for eleven years subject to the conditions referred to above.

Note File

Escheat. (Bellary). Bellary Town -  
Charlty in the Goldsmith Street - Alienation  
to the Municipality.

(1) Bd. Min 323 d. 25-1-35 (D)  
(2) Bd. Min B5159 d. 3-8-34 (H)  
... Bd. Min 2766 d. 11-8-34 (K)

Mr 1-2 Cf.

A 3093/1- From the Bd. of Bellary

To As. LR.

Please see the Collector's letter at p. 1-2 Cf.

1-2 Cf.

2f. In G.O. no 1562 Ms d. 7-8-34 the Govt approved the proposal to alienate the charlty to the Bellary Municipality for locating the Birth and Death and vaccination offices. In B.O. no 323 d. 25-1-35 the Charlty was declared escheat. The collector has taken possession of the charlty. He however reports that there are difficulties in alienating the property to the Municipality. He therefore proposes that the proposal may be dropped. For orders whether the Board may agree with the Collector.

file  
26715  
27-7-35  
28-7-35  
29-7-35

Having regard to the previous history of this charlty given in para 3 of the Collector's letter at p 8 of (T) there seems to be no good ground to

anticipate any legal or practical difficulties in the way of alienating it to the Municipal Council. The Council had been in possession of it from the year 1914 and nobody claimed it. Now that the Govt. have declared the property escheat & taken possession of it there seems no objection to alienate it to the Municipal Council under B.S.O. 24 as such alienation does not confer any ownership on the Council. The Govt. may be resumed at any time a claimant appears and establishes his claim.

As regards repairs even if the building is not handed over to the Municipality the Govt. will have to spend such sums as a prudent landlord would do to keep it in a reasonably habitable condition and

Municipal Council carrying out the ordinary repairs & setting off the cost of such repairs against the rent which it may reasonably be expected to pay

If the Board see no objection to the alienation an additional condition may be imposed to the effect that in the event of any adverse decision to the contrary being established the tenant will be liable to resumption without payment of compensation for the improvements effected. ~~and~~ It may also be laid down that the previous sanction of the Collector should be obtained for any repairs to the building so that he may see that no improvements or alterations are made till all private claims abate.

21.8.35

To AS(LR)

Draft 2u omitted

Recd  
7/8/35  
9/8/35

210835

[ Issued as B's Refin no A 3093-35. dt 10-8-35 ] Wk 3-5 of  
A 4707/35 From the Collector of Bellary. p 74

20 A.S.

Please see the notes at p 1-3 of. and  
the Collector's reply at p 7 of.

2/ The Collector states that the Municipal  
does not want the choultry for the location  
of the Birth and Death office and the Vaccination  
depot. In the circumstances the question of  
alienating the choultry to the Municipality may  
be dropped. A copy of the proceedings may be  
sent to the Govt with reference to their order  
at p 7 of of P.O. No 2746 dt 11-8-34.

~~210835~~  
~~28/10/35~~  
28/10/35